

FILED

## UNITED STATES DISTRICT COURT

for the

District of \_\_\_\_\_

Division \_\_\_\_\_

2024 NOV 12 PM 1:01

U.S. DISTRICT COURT  
MIDDLE DISTRICT OF TNCase No. 3:24-cv-1341

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ NoTamika McDonald

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Laverne Police Dept.

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

## COMPLAINT FOR A CIVIL CASE

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Tamika McDonald132 Westcott StLaverne RutherfordTN 37086615-608-0275tamikamcdonald93@gmail.com

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

James Cunningham  
Officer  
5093 Murfreesboro Rd  
LaVergne Butterford  
TN 37086  
615-793-7744

Defendant No. 2

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

LaVergne Police Dept.  
5093 Murfreesboro Rd  
LaVergne Butterford  
TN 37086  
615-793-7744

Defendant No. 3

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

Jason Cole  
~~Officer~~ <sup>T.M.</sup> Mayor  
5093 Murfreesboro Rd  
LaVergne TN ~~Butterford~~ <sup>T.M.</sup>  
TN 37086  
615-793-6025

Defendant No. 4

Name  
Job or Title *(if known)*  
Street Address  
City and County  
State and Zip Code  
Telephone Number  
E-mail Address *(if known)*

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

42 USC § 1983

**B. If the Basis for Jurisdiction Is Diversity of Citizenship****1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* \_\_\_\_\_, is a citizen of the  
State of *(name)* \_\_\_\_\_.

**b. If the plaintiff is a corporation**

The plaintiff, *(name)* \_\_\_\_\_, is incorporated  
under the laws of the State of *(name)* \_\_\_\_\_,  
and has its principal place of business in the State of *(name)* \_\_\_\_\_.

*(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)*

**2. The Defendant(s)****a. If the defendant is an individual**

The defendant, *(name)* \_\_\_\_\_, is a citizen of  
the State of *(name)* \_\_\_\_\_ . Or is a citizen of  
*(foreign nation)* \_\_\_\_\_.



b. If the defendant is a corporation

The defendant, (name) \_\_\_\_\_, is incorporated under the laws of the State of (name) \_\_\_\_\_, and has its principal place of business in the State of (name) \_\_\_\_\_.

Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

*(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)*

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

\$ 100,000 - \$ 50,000 compensatory, \$ 50,000 Punitive

### III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

Please See Attached

### IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

## **Statement of Facts**

The plaintiff, Tamika McDonald, brings this lawsuit pursuant to 42 U.S.C. § 1983 to redress the deprivation of her constitutional rights under the Fourth and Fourteenth Amendments to the United States Constitution. The plaintiff was discriminated against due to her African American race by a LaVergne Police Department officer James Cunningham, a mixed Caucasian / African American. LaVergne police department Supervisors and LaVergne Mayor offices were notified of these racial discriminations and made no attempt to address nor redress the abuse of authority violating the oath of their employee.

The plaintiff, Tamika McDonald, is a 42 year old single African American female business owner. Plaintiff is the owner of a L.L.C. and a CDL-certified bus operator with WeGo, a Davidson County, TN public bus service for the metropolitan area.

The plaintiff, Tamika McDonald, had a verbal argument on 05/08/2024 at or around 10:41pm about a broken dryer latch which had been broken by the tenant, Tammie Phillips, an African American female. Due to the verbal argument where a threat was made by Tammie Phillips son, Tavonte Phillips-Gillard with a weapon, the plaintiff brandished a certified licensed handgun solely holding it to the ground.

The plaintiff had a previous encounter with Officer Cunningham on or about a year prior to the incident above about plaintiff's stolen handgun by an African American male friend Pashay resulting in a complaint made to a LaVergne Police Department Supervisor about Officer Cunningham refusing to file charges against Pashay due to the handgun theft being a felony.



Officer Cunningham at that time refused to proceed with charges and was forced to do so after plaintiff complained that she was unable to do so due to statute.

LaVergne, TN police officer James Cunningham was called to the residence of 132 Westcott St. LaVergne, TN 37086 where the plaintiff, Tamika McDonald, resides on 05/08/2024 at or around 11:15pm. Officer Cunningham spoke with plaintiff, Tammie Phillips, and Tavonte Phillips while afterwards listening to the Ring audio detailing the entire incident.

After listening to the Ring audio where all voices were heard and statements made, Officer Cunningham filed two AFFIDAVIT OF COMPLAINTS, one for Tammie Phillips and one for Tavonte Phillips-Gillard both for Class C Felony - Aggravated Assault - Domestic. Both affidavits written by Officer Cunningham intentional omissions as follows:

- a. Plaintiff said to Tammie get out of my face as a euphemism, not a literal meaning as the affidavit states.
- b. Tavonte Phillips-Gillard did not intervene to protect his mother, Tammie Phillips, as the affidavit states, due to the fact that on the Ring audio the conversation plaintiff had with Tammie Phillips ended 20 seconds before Tavonte Phillips-Gillard can be heard yelling "I'LL KILL YOU BITCH" "I'LL KILL YOU BITCH" holding a dumbbell.
- c. Affidavit written under oath by Officer Cunningham also omits the statement clearly audible of Tavonte Phillips-Gillard threatening plaintiff before handgun was brandished.

The affidavit written and filed by Officer Cunningham containing the intentional omissions stated above resulted in plaintiff being arrested on a 24hr hold at or around 11:40pm on 05/08/2024 and having to post a \$950 bond after the mandatory 24hr hold in Rutherford County Detention Center. Plaintiff was released after 24hr hold conditioned to bond on 05/09/2024 at or around 11:40pm and slept in her car in the parking lot of the Rutherford County Detention Center due to a restraining order barring plaintiff from returning to her place of residence. Plaintiff alleges that if omissions were intentionally omitted by Officer Cunningham probable cause would not have existed to grant the affidavit for cause.

Plaintiff arrived in court on 08/20/2024 at 9am in Rutherford County. After Tavonte Phillips-Gillard and Tammie Phillip testified both for Assistant District Attorney and Public Defender, the Honorable Bennett dismissed the cases against plaintiff for lack of probable cause. Plaintiff alleges that if omissions were intentionally omitted by Officer Cunningham probable cause would not have existed to grant the affidavit for cause.

Plaintiff has suffered reparable physical damages of being incarcerated and restraining order barring plaintiff from residence temporarily becoming homeless.

Plaintiff has suffered irreparable physical damage in which the stress from the events described in this statement of facts has caused plaintiff to go 1.5 months without a menstrual cycle. Plaintiff also suffered irreparable physical damage by having an excruciating menstrual cycle at the end of the 1.5 months without a menstrual cycle.

Plaintiff suffered irreparable physical damage by having menstrual cycle permanently altered by occurring two weeks later



than normal due to the stress of these events filed in this statement of facts.

Plaintiff is currently in continuous therapy for years to come due to emotional damage resulting in anger, withdrawal, depression, and stress.

Plaintiff is suffering from mental damage resulting in nervousness, confusion, and irrational fear unable to successfully enter an intimate or plutonic relationship.

Plaintiff alleges and has physical evidence that both affidavits written by Officer Cunningham contain intentional omissions as follows:

- d. Plaintiff said to Tammie get out of my face as a euphemism, not a literal meaning as the affidavit states.
- e. Tavonte Phillips-Gillard did not intervene to protect his mother, Tammie Phillips, as the affidavit states, due to the fact that on the Ring audio the conversation plaintiff had with Tammie Phillips ended 20 seconds before Tavonte Phillips-Gillard can be heard yelling "I'LL KILL YOU BITCH" "I'LL KILL YOU BITCH" holding a dumbbell.
- f. Affidavit written under oath by Officer Cunningham also omits the statement clearly audible of Tavonte Phillips-Gillard threatening plaintiff before handgun was brandished.

Plaintiff alleges that if these omissions were not intentionally omitted by Officer Cunningham who had actively heard the physical evidence, there could not have been any cause for finding in granting the affidavits thus filing two felony charges.



Plaintiff feels that compensatory compensation in the amount of fifty thousand dollars, (\$50,000) and punitive damages in the amount of fifty thousand dollars, (\$50,000).

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 11/12/2024

Signature of Plaintiff

Printed Name of Plaintiff

Jamika McDonald  
Jamika McDonald

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address